IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 21ST NOVEMBER 2006 / 30TH KARTHIKA 1928

Crl.MC.No. 275 of 2003()

CC.11/2002 of JUDL.MAGISTRATE OF FIRST CLASS COURT, KUTHUPARAMBA

.....

PETITIONER: ACCUSED

---

1. VADAKE MULANHANAL JOSEPH,
   S/O. DEVASSIA, PERUMBUNNA, PERAVOOR,
   KANNUR DISTRICT.

2. VADEKKE MULANHANAL JIBI S/O JOSEPH,
   PRUMBUNNA, PERAVOOR, KANUR DISTRICT.

3. VADAKE MULANHANAL PHILOMINA
   W/O. JOSEPH, PERUMBUNNA, PERAVOOR, KANUR DISTRICT.

4. VADAKKE MULANHANAL MARIAKUTTY,
   W/O. VARKEY, PERUMBUNNA, PERAVOOR,
   KANNUR DISTRICT.

BY ADV. SRI.P.NARAYANAN

RESPONDENTS: COMPLAINANT

---

1. DEVAKI KALACHIRA W/O GOPALAN,
   AGED 69, MUNDAPLAKAL HOUSE, KAMHIRAPUZHA,
   PERUMBUNNA, PERAVOOR P.O., KANNUR DISTRICT

2. STATE OF KERALA REPRESENTED BY PUBLIC
   PROSECUTOR, HIGH COURT OF KERALA.

R1 BY ADV. SRI.T.G.RAJENDRAN
R2 BY PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 21/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO.276/2003 IN CRMC 275/2003
DISMISSED.

21-11-2006 SD/- K.R.UDAYABHANU, JUDGE.

//TRUE COPY//

K.R. UDAYABHANU, J.

CRL.M.C. NO.275 of 2006

Dated 21st day of November, 2003

ORDER

The petitioners, five in number, that included two ladies who are arraigned as the accused in C.C.No.11/2002 in the file of the Judicial Magistrate of the First Class, Koothuparamba with respect to the offence under section 379 read with 34 IPC have sought for setting aside the proceedings on the ground that the proceedings have been initiated only to harass the petitioners and that the alleged loss involved is too trivial and insignificant. The allegation is that the petitioners/accused plucked 25 numbers of coconuts from the coconut tree owned by the de facto complainant and the value mentioned is Rs.125/-. It pointed out that the de facto complainant had some grievance against the Ist petitioner as he did not agree to sell a strip of land to the de facto complainant for constructing a pathway. It is pointed out that the motive is clearly evident from the fact that the wife and sister-in-law of the first petitioner has been implicated along with the son of the Ist petitioner, i.e., the entire family, with

respect to the incident of plucking 25 coconuts.

2. I find that the matter is squarely covered by section 95 IPC. Hence, the proceedings pending in C.C.No.11/2002 is herewith quashed.

The Crl.M.C. is allowed.

K.R.UDAYABHANU,JUDGE.

kvm/-